

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13510 of Gertrude G. Levy, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.48 to continue the use of a parking lot in an R-3 and C-2-A District at the premises 3053 M Street, N.W., (Square 1209, Lots 872 and 894).

HEARING DATE: July 29, 1981

DECISION DATE: September 4, 1981

FINDINGS OF FACT:

1. The subject property is in an R-3 District in the middle of the square bounded by M, 31st, N and 30th Streets, N.W. The property is known as 3053 M Street, N.W.

2. The subject property is irregularly shaped and extends to a depth of approximately 300 feet from M Street. The property has only sixteen feet of frontage on M Street.

3. The subject property is used as a parking lot pursuant to Certificate of Occupancy No. B-108417, authorized by BZA Order No. 12580. The approval expired on April 21, 1981. The subject application to continue the use as a parking lot was filed on April 16, 1981.

4. The parking lot contains forty-eight spaces. Access to the lot is by way of a sixteen by 100 foot driveway from M Street. The parking spaces are located perpendicular to the east and west side lot lines on the rear portion of the property. The operator of the lot will occasionally stack additional cars in the center aisle of the lot. The maximum total capacity of the lot is approximately sixty cars.

5. The lot is a commercial lot, operated by an attendant from 10 a.m. to Midnight, Monday through Thursday, and from 10 a.m. to 3 a.m. on Friday and Saturday. The lot is open for use on Sundays, but there is no attendant present.

6. The lot is located contiguous to and within 200 feet of a commercial district.

7. The lot serves the varied commercial uses located along M Street and Wisconsin Avenue in Georgetown. Most of those uses do not provide their own off-street parking. The lot serves to relieve congestion and competition for on-street parking.

8. The side and rear of the facility are enclosed by a retaining wall and wooden fence which serve to screen the lot from surrounding use. The only structure on the premises is an attendant's shelter. The only signs on the lot are those required to display the rates.

9. The property is surrounded by the rear of a post office on the west, and the rear of properties that face on M and N Streets to the north and east. All of the houses on surrounding properties are well removed from the boundary of the subject parking lot.

10. The lot is paved with an all-weather impervious surface and otherwise meets the requirements of Article 74.

11. Neither the owner nor the operator of the lot received any complaints concerning the operation of the lot. There is no evidence to indicate that any dangerous or objectionable traffic conditions result from the operation of this lot.

12. Given the configuration of this lot, the landlocked nature of the interior of the property and its single family zoning, it is not likely that the lot will be used for anything but a parking lot for the foreseeable future.

13. The D.C. Department of Transportation, by memorandum dated July 2, 1981 reported that accessibility by transit to the area had not improved appreciably since the lot was last reviewed. The DOT had no objection to approval of the application.

14. Advisory Neighborhood Commission 3A, by letter dated July 24, 1981, advised that it did not oppose the application. The ANC stated no specific issues or concerns.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicants must demonstrate that they have complied with the requirements of Paragraph 3101.48 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicants have so complied. The lot is reasonably necessary and convenient to the commercial uses on M Street. The lot results in no dangerous or objectionable traffic conditions. The lot is within 200 feet of a commercial district and complies with the requirements of Article 74.


The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following conditions:

- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the previous Certificate of Occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Connie Fortune, Charles R. Norris and Lindsley Williams to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 15 OCT 1981

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.